



# CITY OF MILPITAS

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3/17/2015

Agenda Item No. 1



## ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



**CITY OF MILPITAS, CALIFORNIA  
REQUEST FOR PROPOSALS (RFP)  
FOR OPERATION OF THE COMMUNITY ACCESS TELEVISION CHANNELS**

**Introduction**

The City of Milpitas (City) wishes to solicit proposals from qualified operators for the operation and management of the City's public television channel in accordance with this RFP. Award resulting from this RFP is expected to result in a three-year contract and one (1) three-year option to renew.

**In addition to the scope of work itemized within this RFP document, the City encourages proposals to identify sustainable best practices and appropriate practical innovations that uniquely serve the goals of the community.**

**Background**

Local public, educational and governmental (PEG) access channels began in the early 1970s, as a "tradeoff" offered to cities by the emerging cable television industry during franchise negotiations. PEG channels would be locally operated cable channels that would take advantage of the new medium's potential to become an "electronic soapbox" to encourage expression of a wide range of local viewpoints. As the channels evolved, the "E" (education) and "G" (government) channels focused on those respective topic areas, while the "P" channels provided free airtime and access to video production facilities to any member of the public, regardless of the speaker's message.

**Public Access in Milpitas**

The City has had an agreement with Milpitas Community Television 26 (MCTV26), to operate the community access channel, with the public access channel currently on Comcast system Channel 26. In addition to operating the community access channels, MCTV provides video production services to local government agencies and non-profit organizations.

The City, through this Request for Proposals (RFP), is seeking proposals from qualified non-profit 501(c)(3) organizations for the continued operation of the City's public access cable television channel and the studio located inside City Hall at 455 E. Calaveras Blvd, Milpitas, CA.

**GOALS AND OBJECTIVES**

The following goals and objectives have been identified for this project:

- Implement a community television operation solution that is financially stable.
- Provide techniques for assessing community needs and new opportunities.
- Provide techniques for openness and transparency in the operation of the station.

- Provide greater community television station effectiveness to independent art and cultural groups, entertainment groups, sports and recreation associations.
- Increase community support.
- Provide innovations for advancing the station in the ever-changing technology of video and television production.
- Provide educational training programs, business and non-profit engagement, marketing and grant awards that support community access television.

The City seeks proposals that demonstrate a realistic and achievable plan for immediately assuming channel operations. In addition, the successful proposer should demonstrate that it has the capacity to raise nongovernmental revenues or volunteer support to expand the existing services of the operation.

The successful proposer will provide quality services with the existing PEG funded equipment currently in the possession of and under the control of MCTV26 and will determine the future needs of the public access television facility.

The contract shall have an original term of five (3) years. However, the City, at its sole and absolute discretion, may terminate the contract at any time if the applicant fails to raise adequate funding or provide the specified services as agreed. In addition, the City shall have an option to agree to extend the term for one (1) **additional three-year** period, which the City may exercise in its sole and absolute discretion.

### **SCOPE OF WORK**

The successful proposer will provide services for the operation and management of the City's Public channel:

#### **General Management:**

1. Provide access to equipment, facilities, channel, and services provided hereunder to the City, nonprofit organizations, and any resident of the City for non-commercial programming purposes, nonprofits and residents on a first-come, first-served non-discriminatory basis, pursuant to operating rules promulgated by operator.
2. Create and maintain operating policies and procedures. Maintain policies and guidelines for use and operation of the access equipment, facilities, and channel, and make modifications as necessary.
3. Properly maintain and make public the bylaws of the non-profit 501(c)(3) organization.
4. Manage one (1) PEG access channel and facilities in compliance with applicable laws, rules, and regulations.
5. Maintain an accurate inventory of all equipment, including a subcategory of inventory consisting of all equipment.
6. Provide financial reports to the City on a biannual basis.
7. Participate in public input workshops on an annual basis.

8. It is anticipated that there will be a period of transition when a new operator takes over. The successful proposer must be prepared to immediately operate the channels within 30 days of award of the contract, with specific attention to public access producers, community based organizations and public access viewers.

## **Services**

Services include, but are not necessarily limited to, the following:

1. Operation of one community access channel.
2. Provide video production services for governmental and non-profit agencies.
3. Manage a video production facility which shall be available for public use at such hours and times as determined by operator and reasonable to ensure user access. Access to equipment and facilities shall be open to all those who satisfactorily complete training class(es) provided by operator. Cost of such training shall be reasonable and available to individuals with limited incomes.
4. Train interested local residents in the techniques of video production and provide technical advice regarding the execution of productions.
5. Scheduling of the channel and playback of programs produced by public access producers, including basic maintenance of related equipment.
6. Coordinate to include schedule of programs on Comcast's on-screen channel guide.
7. Organize and regularly schedule training for producers.
8. Check-out/in of equipment and reservation of facilities used by community producers.
9. Ensure adequate staff or volunteer personnel are available to operate the studio and control room facilities as needed by producers or other users of the community access television station.
10. Preventive and corrective maintenance of facilities and equipment provided for use by community producers.
11. Outreach to and recruitment of community organizations and individuals.
12. Promotion of the services provided by the public access facility and the programming airing on the access channel.
13. Retention of certified producers and assistance in producing initial and subsequent Public Access Programming.
14. Implement a marketing program for the television studio to engage the public and to identify and reach target audiences.

15. Create a menu of services offered and the associated professional fees/rates schedule. Fee schedule should include tiers for public, governmental and non-profit users.
16. Create and maintain a website.
17. Post and maintain office hours.
18. Present an annual "State of Community Access Television Report" to the Milpitas City Council.

The successful proposer will be a private 501(c)(3) nonprofit organization that is governed by a Board of Directors completely independent from the City. The Board is not to be considered as created by or under the control of the City. State laws such as the Brown Act and the Public Records Act do not apply, however, it is expected that board meetings will be open to the **public** with meeting schedules at least seven (7) days in advance. Agendas **will** be posted in a conspicuous place at the studio visible to the public or on a public web site at least 72 hours in advance of any scheduled meeting. The Board of Directors **shall** be responsible for fiduciary and operational oversight. Proposals are expected to address how proposed bylaws for the organization will incorporate a methodology for selection and removal of Board members that will ensure the Board is responsive to the mission and vision of community access television, the users of the facility and the public at large. The City encourages proposers to consider proposing a governance structure that includes in the bylaws a formal Advisory Council of external advisors, key staff and key partners with regular meetings focused on providing support, guidance and recommendations to the Board with respect to operations, programming and community interactions.

#### **Funding Sources:**

Please include the cost to manage the Public Channel and studio in proposal. The City will evaluate based on cost and services provide.

#### **Equipment:**

Operator shall keep in good condition. The City will provide the maintenance and repair of **all** equipment purchased through the use of PEG fees allowable through its budget.

Upon termination or expiration of the contract, all such equipment purchased through the use of PEG fees shall become the property of City.

Upon the expiration or the termination of the contract, the operator shall, transfer **all** assets of the operator representing City funded equipment, and/or the proceeds of either to the City, or at the City's option, to such organization or organizations designated by the City to manage PEG access, which shall at the time qualify as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States Internal Revenue Law).

#### **PROPOSAL FORMAT AND SUBMITTAL REQUIREMENTS**

Proposals without sufficient submittal data to provide a complete evaluation will not be considered. Proposals must fully address the evaluation criteria, references and data to verify qualifications and experience.

The proposal shall include, as a minimum, the following information:

1. Cover/Transmittal Letter — Letter is to be signed by a member of the organization having the authority to negotiate and execute contracts on behalf of the organization. Cover letter must acknowledge receipt of any and all addenda, if any were issued.
2. Project Understanding - This section should outline the proposer's basic understanding of the project. It should identify key issues to be addressed during the project and any insights or innovative ideas the proposer can provide in addressing those issues. Items that should be included are:
  - a. Identify a plan for transitioning from the current operator to the new operator, if applicable.
  - b. Education - Provide a detailed explanation of programs to be implemented currently as well as proposed future programs.
3. Scope of Work—Describe how you will accomplish the items in the Scope of Work and how you will meet the stated Goals and Objectives.
4. Related Experience — Include all experience that demonstrates your ability to operate a public access television station.
  - a. Describe your experience with providing operation and management of a public access television station. If proposer has no experience, please provide relevant experience that shows an ability to perform this project.
  - b. What examples do you have of keeping up-to-date with technologies, especially those that affect the ability of citizens to utilize the station?
6. Responsible Personnel — Provide a list of personnel (staff or volunteers) who will be involved with this project.

#### **EVALUATION OF PROPOSALS AND NEGOTIATIONS**

A panel, comprised of people knowledgeable of public access channel operations and/or who have acceptable knowledge of the goals of a community access channel, will review all proposals submitted and select the top proposals. These top proposers may then be asked to provide additional information to the evaluation panel. Based on the initial proposals the panel will select the proposal which best fulfills the requirements and is the best value to the City. The City will negotiate with that contractor to determine final contract form.

Overall responsiveness to the Request for Proposals is an important factor in the evaluation process. Evaluation of the proposals is expected to be completed within twelve days after their receipt due date of April 20, 2015.

### **Evaluation Criteria**

The proposals will be evaluated, generally, in accordance with the criteria itemized below. The panel will review how closely an applicant's proposal is to meeting all the requirements set forth in the RFP.

#### **Category Maximum Points Allowed**

1.	Experience in public access operations and financial management	10
2.	Management plan for efficiency and innovation	10
3.	Plan for retention and development of producers and volunteers	15
4.	Plan for channel administration, oversight and governance	10
5.	Plan to develop partnerships with community groups, non-profit groups and government	15
6.	Outreach and marketing plan for public access services and programming	10
7.	Cost of operation	30
Total possible points		100

All agreement negotiations will be handled by the City of Milpitas. Award will be by the City Council. No other officer or agents may obligate or bind the City. Proposers will designate, by name, the representative who will negotiate. The person named will be an authorized agent of the organization who will be able to conduct negotiations or written offers in good faith.

### **ATTACHMENTS**

1. Current Agreement with MCTV26